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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/737,321	12/14/2000	Amy Hetz Wilson	2400-599	9469

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EXAMINER

BUTLER, MICHAEL E

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 04/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/737,321

Applicant(s)
Wilson

Examiner
Michael E. Butler

Art Unit
3653



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 13, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 6, 10-14, 26-28, 39, and 44-46 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4, 10-14, 26-28, 39, and 44-46 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office Action, and apply to this and any subsequent Office Actions.

Resumption of Prosecution after Applicant Requested Suspension

2. Applicant was granted request for a suspension of prosecution (paper 8 on 11/13/02) premised upon applicant's petition for suspension from prosecution (paper 7 filed 9/30/02) in the instant application pending resolution of co-pending petition for an amended inventorship in the claimed grandparent case 60/060066 to thereby amend the priority date on the claimed invention in the instant case and thereby antedate the applied Terranova '879 reference. Applicant's representative spoke with the examiner in January requesting resumption of prosecution in view of the petition granting change of inventorship having been granted.

Priority

3. Applicant's claim of priority to application 09/154462 filed 9/16/98 is acknowledged. Applicant's claim of priority to provisional application 60/060066 filed 9/26/97 is acknowledged and applicant's amended inventorship was successful in amending the priority date of the claims. Applicant's requirement to cancel the priority claim is withdrawn.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 10-14, and 26-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Gunnarsson '919 which discloses:

(re: cl 4, 10, 13, 26) A fuel dispensing system for enhancing cash transactions comprising a) a fuel dispenser associated with a control system and a receiver adapted to receive signals including identification indicia from a remote communications unit associated with a customer, receiver operatively associated with control system to enable control system to retrieve the identification indicia (p11 L 6-10; p11 L 24-32); and

(re: cl 4, 10, 13, 26, 39, 44) b) a cash transaction indicator associated with control system and adapted to signal control system of a cash transaction (p6 L 18-23; p11 L 34-p 12 L 1);

and control system providing customer related information associated with the identification indicia when a cash transaction is indicated by cash transaction indicator (p6 L 18-23; p10 L 13-27);

(re: cl 10) cash transaction indicator is located on dispenser and is actuated by a customer when a cash transaction is desired (p6 L 18-23; p10 L 13-27);

(Re: cl 11) the fuel dispenser includes a cash transaction indicator located on dispenser and is activated by a customer when cash transaction is desired (p11 L 37-p12 L 1);

(Re: cl 12) control system is operatively associated with a transaction terminal apart from fuel dispenser for conducting cash transaction (p10 L 17-27; p14 L 17-19; p13 L 37-p14 L 2)

(Re: cl 14) the transaction terminal is a point of sale terminal in a fuel station operatively associated with the dispenser (p11 L 34-p12 L 1);

(re: cl 13) a fuel dispenser associated with a control system and a receiver adapted to receive signals including identification induce from a remote communications unit associated with a customer, receiver operatively associated with control system to enable control system to retrieve the identification induce (p11 L 6-10; p11 L 24-32);

(re: cl 26) a central control system operatively associated with and located apart from the dispenser control signal (p10 L 17-27; p14 L 17-19);

(Re: cl 27) cash transaction indicator is a customer actuatable keypad on the dispenser (p12 L 3);

(re: cl 28) cash transaction indicator is associated with a cash acceptor on the dispenser, cash transaction indicator indicating a cash transaction when a customer inserts cash in the cash acceptor (p11 L 34- p12 L 1).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 4, 10-14, 26-28, 39, and 44-46 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Gunnarsson '919 and Ramsey '791 in which Gunnarsson '919 further discloses:

(re: cl 4, 39) customer related information corresponds to customer overpayment from a cash transaction (p11 L 6-10, per Webster's Collegiate Dictionary 10th Edition definition of correspond including having of parallel relationship, customer related discount has parallel relation to amount of overpayment).

Ramsey '791 discloses: control system adapted to determine the change for the transaction (fig 5 ; p8 L 18-p9 L 15).

(re: cl 39) customer change resulting customer overpayment from a cash transaction (p8 L 18-p9 L 15 and p6 L 30-p7 19);

(re: cl 44) cash acceptor associated with dispenser control with dispenser control determining change (p8 L 18-p9 L 15)

(Re: cl 45) the change amount is transmitted to a remote communications control system (p6 L 30-p7 19);

(re: cl 46) change amount is sent to a remote communications unit (p6 L 30-p7 19).

It would have been obvious at the time of the invention for Gunnerrsson '919 to have the dispenser controller determine change premised upon overpayment because cash purchasers may either be unable to fill their vehicle to the amount paid or customers may not have small enough bills to purchase small quantities of fuel as taught by Ramsey '791 and come up with the instant invention.

It would have been obvious at the time of the invention for Gunnerrsson '919 to have transmit the amount of change to a remote control system via remote communications device so that a station operator can control dispensing and correct problems from a remote main console as taught by Ramsey '791 and come up with the instant invention.

Allowable Subject Matter

8. Claim 6 is objected to as being dependent claims premised upon a rejected base claim but would be allowed if the re-written in independent form or if the limitations of an allowable claim were incorporated within the independent base claim from which this claims depend or if re-written premised upon dependence from an otherwise allowable base claim.

Conclusion

9. Applicant's claim priority date amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Michael E. Butler whose telephone number is (703) 308-8344.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh, can be reached on (703) 306-4173. The fax number for the Group is (703) 305-7687.

Michael E. Butler

Michael E. Butler

Examiner


DONALD R. WALSH
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